

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
September 11, 2002

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board office, 23 Millcreek Park, in Frankfort, Kentucky. President Foster called the meeting to order at 9:05 a.m.

Members present: Thomas S. Foster, Becky M. Cooper, Tim Armstrong, Patricia Thornbury, Georgina Kindall-Jones, and Joe Carr. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel and Shannon Settles, Executive Secretary. Brian Fingerson, Ky Pharmacist Recovery Network Program; Nathan Goldman, Board of Nursing; Joy M. Knight, KHA; Kip Eberwein, Samaritan Hospital; Kim Croley, Laurel Height Nursing Home; Bob Barnett, APSC; Danna Droz, Drug Control; Lynda Romen, Pharmerica; Terry Seiter, Pharmerica; Robert Bunting, Baptist Convalescent Center Pharmacy; Lewis Wilkerson, KPha; Greg Naseman, CVS; Nancy Horn, UK/APSC Post-Doc Fellow; Patrick Gaines, J.D. Hammond, and Jennifer Waespe, University of Kentucky College of Pharmacy student interns. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES: **D&R Pharmacare/Lewis Wilkerson.** Mr. Wilkerson appeared before the Board and gave a brief overview of the need for pharmacy regulations that encompass the practice of providing pharmacy services to healthcare facilities other than acute care hospitals. After a brief discussion, Ms. Jones authorized Mr. Moné to file a Notice of Intent so the amendments to 201 KAR 2:074 could be placed in the Administrative Regulations. Mr. Carr seconded and the motion passed unanimously.

Will Wilson. Mr. Wilson appeared to petition for reinstatement of his pharmacist's license. Mr. Wilson was placed under oath by Ms. Curtis, Court Reporter. Mr. Wilson gave a short overview of the cause leading to the loss of his pharmacist's license. Dr. Foster and Mr. Moné reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license. Ms. Cooper moved to reinstate with an Order of Reinstatement with stipulations as follows: employment of no more than 40 hours per week or no more than 80 hours in a two-week period; provide a copy of Agreed Order to all employers; sign an aftercare contract with IPC; submission of a signed release for medical records; provide the Board a written monthly self performance evaluation; 24 random urine or blood screens; not ingest any mood altering substance whether legend or nonlegend medication; not ingest alcoholic beverages; notification to the Board of all legend and nonlegend drugs taken within 10 days; shall keep Board informed of place of employment; Board or Board President's approval of all employers; Board shall conduct semi-annual inspections at all locations of employment, the costs to be paid by Mr. Wilson; shall obtain all prescriptions and those of his family at a pharmacy designated in writing; shall not dispense any drugs for himself or his family members; attendance at a Kentucky program on Alcoholism and other Drug Dependencies within one year; and attend AA or NA meetings no less than three times per week and provide quarterly written attendance reports. Order on Reinstatement to be drafted and forwarded to Mr. Wilson for his signature and upon its return to be signed by President Foster. Mr. Carr seconded and the motion

passed unanimously.

John Bell. Mr. Bell appeared to petition the Board for licensure through license transfer. Mr. Bell was placed under oath by Ms. Curtis, Court Reporter. Mr. Bell gave a short overview of past disciplinary actions on file in West Virginia. After a brief discussion, Mr. Armstrong moved to deny Mr. Bell's licensure request. Ms. Jones seconded and the motion passed unanimously.

MINUTES: On motion by Mr. Carr, seconded by Ms. Jones the minutes of July 10, 2002 and July 28, 2002 were adopted.

BOARD REPORTS: **President.** President Foster gave a brief statement as to the positive responses he had received regarding the NABP District III meeting held in Louisville. President Foster gave a brief overview of the data collected from the Med Error Survey.

Board Manual. After a brief discussion, Ms. Jones moved to adopt the board manual with current policies for per diem, and budget, and to include the grievance section as proposed. Mr. Carr seconded and the motion passed unanimously.

Performance Evaluation. Mr. Carr moved that a special meeting of the committee be held September 24, 2002 at 9:00 a.m. and that a special Kentucky Board of Pharmacy meeting be held September 24, 2002 at 10:00 a.m. at the Board office in Frankfort. Ms. Cooper seconded and the motion passed unanimously.

CURRENT/PENDING CASES: Ms. Thornbury moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Carr seconded and the motion passed unanimously.
Case No. 01-0111A; Case No. 02-0032A; Case No. 02-0032B; Case No. 02-0039; Case No. 02-0064A; Case No. 02-0064B; Case No. 02-0065; Case No. 02-0066; Case No. 02-0072A; Case No. 02-0072B; Case No. 02-0073; Case No. 02-0074; Case No. 02-0076A; Case No. 02-0078; Case No. 02-0079; Case No. 02-0080A; Case No. 02-0082; Case No. 02-0086; Case 02-0089A; Case No. 02-0089B; Case 02-0093; Case 02-0094; Case 02-0096; Case 02-0097; Case 02-0111 .

CASE REVIEW COMMITTEE

Ms. Cooper moved for acceptance of the following case reports:

Case No. 01-0020 Revisit. Pharmacy permit holder allegedly failed to timely report controlled substance data to Atlantic Associates. CRC recommendation: case is dismissed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0084A Revisit. Pharmacy permit holder allegedly sold a misbranded product as the result of an alleged medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0084B Revisit. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation: case is dismissed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0084C Revisit. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation: case is dismissed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0084D. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0099A. Pharmacy permit holder allegedly committed Medicaid Fraud by billing for prescriptions not dispensed. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0099B. Pharmacist allegedly committed Medicaid Fraud by billing for prescriptions not dispensed and allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0114A. Pharmacy permit holder allegedly sold a misbranded product as the result of an alleged medication error. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0114B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error by filling a prescription with the incorrect quantity and refills, failing to contact the prescriber, and overcharging for a medication. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0025. Pharmacy corporation was allegedly receiving and dispensing adulterated prescription medications as a result of improper storage conditions. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0063A. Pharmacy permit holder allegedly sold a misbranded product as the result of an alleged medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0063B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0067A Revisit. Pharmacy permit holder is allegedly dispensing prescriptions for which their equipment is insufficient. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion

passed unanimously.

Case No. 02-0067B Revisit. Pharmacy permit holder is allegedly dispensing prescriptions for which their equipment is insufficient. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0081A. Pharmacy permit holder allegedly engaged in unprofessional conduct by overcharging for medications. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0081B. Pharmacist-in-charge allegedly engaged in unprofessional conduct by overcharging for medications. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0083A. Special limited medical gas permit holder was allegedly operating a “pick-up pharmacy” and using “Pharmacy” in advertisement. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0083B. Pharmacy permit holder was allegedly operating a “pick-up pharmacy” at a special limited medical gas permit location. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0083C. Pharmacist-in-charge was allegedly dispensing prescription medications to a “pick-up pharmacy” at a special limited medical gas permit location. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0083D. Consultant pharmacist to special medical gas permit holder allegedly failed to advise permit holder of compliance with 201 KAR 2:225. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0088A. Pharmacy permit holder allegedly failed to have in place quality controls, as a result a patient was shorted quantities on multiple prescriptions. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0088B. Pharmacist allegedly engaged in unprofessional conduct by repeatedly shorting quantities on multiple prescriptions. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0088C. Pharmacist allegedly engaged in unprofessional conduct by repeatedly shorting quantities on multiple prescriptions. CRC recommendation: There is insufficient evidence

of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0088D. Pharmacist allegedly engaged in unprofessional conduct by repeatedly shorting quantities on multiple prescriptions. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0090. Pharmacy permit holder allegedly failed to have in place quality controls, as a result a patient was shorted 40 tablets on one prescription. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0099A. Pharmacy permit holder allegedly sold a misbranded product as the result of the pharmacist using the incorrect prescriber on a prescription. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0099B. Pharmacist allegedly failed to maintain proper record keeping as the result of using the incorrect prescriber on a prescription. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0100A. Pharmacy permit holder allegedly failed to have in place proper security of controlled substances. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0100B. Pharmacist-in-charge alleged failed to maintain proper security of controlled substances. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0101A. Pharmacy permit holder allegedly failed to have in place a system for pharmacists to provide prospective drug use review by not reviewing rationale for use of drugs or clinical misuse or abuse of drugs. CRC recommendation: There is insufficient evidence developed and the investigator is directed to conduct further investigation. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0101B. Pharmacist allegedly failed to provide prospective drug use review by not reviewing rationale for use of drugs or clinical misuse or abuse of drugs. CRC recommendation: There is insufficient evidence developed and the investigator is directed to conduct further investigation. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0102A. Pharmacy permit holder allegedly sold a misbranded product as the result of an alleged medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0102B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr.

Carr seconded and the motion passed unanimously.

Case No. 02-0103A. Pharmacy permit holder allegedly failed to have in place quality controls for maintaining proper record keeping for legend drugs, including controlled substances. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0103B. Pharmacist allegedly failed to maintain proper record keeping for legend drugs, including controlled substances. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0104A. Pharmacy permit holder allegedly failed to have in place a system whereby the offer to counsel could be made and refusals of counseling documented. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0104B. Pharmacist failed to make an offer to counsel on two occasions involving new drug therapies and there was no documentation of refusals by the complainant. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0105. Pharmacy corporation is allegedly consistently misbranding by mislabeling all prescriptions written by nurse practitioners and physician assistants for an extended period of time after being informed of the violation. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0106. Wholesale permit holder allegedly failed to verify customers eligible to receive legend drugs. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0107. Pharmacist allegedly failed to complete the required 1.5 continuing education units for 2001. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0108A. Pharmacy permit holder allegedly failed to have in place proper security for controlled substances and prescription medications. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0108B. Pharmacist-in-charge allegedly failed to maintain proper security and control for controlled substances and prescription medications. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109A. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109B. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109C. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109D. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109E. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109F. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109G. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109H. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109I. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109J. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109K. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109L. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109M. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109N. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109P. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109Q. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109R. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109S. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109T. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109U. Special medical gas pharmacy permit holder allegedly failed to renew permit

in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109V. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109W. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109X. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109Y. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109Z. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109AA. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109BB. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109CC. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109DD. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109EE. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109FF. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109GG. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109HH. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109II. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109JJ. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109KK. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109LL. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109MM. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109NN. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109OO. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109PP. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to

resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109QQ. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109RR. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109SS. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109TT. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0109UU. Special medical gas pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0110. Pharmacist allegedly failed to complete the required 1.5 continuing education units in 2001. CRC recommendation for Complaint is to be dismissed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0112. Pharmacist allegedly engaged in negligent and unprofessional conduct by providing inappropriate and misleading information regarding herbal and mineral supplements. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0113. Special Medical Gas permit holder allegedly changed locations without prior inspection by the Board inspector. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0115. Special Medical Gas permit holder allegedly changed locations without notifying the Board office. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0116. Wholesale permit holder allegedly failed to maintain adequate security of legend drugs, failed to maintain proper record keeping of legend drugs, failed to maintain a quarantine area for legend drugs, failed to verify customers eligible to receive legend drugs, failed to appropriately train personnel, and failed to timely notify the Board office of a change of ownership. CRC

recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0117A. Pharmacy permit holder allegedly failed to have in place a system for pharmacists to provide prospective drug use review by not reviewing rationale for use of drugs or clinical misuse or abuse of drugs. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0117B. Pharmacist allegedly engaged in negligent and unprofessional conduct by failing to provide prospective drug use review by not reviewing rationale for use of drugs or clinical misuse or abuse of drugs. CRC recommendation for Complaint with issuance of a Letter of Reprimand. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0118A. Pharmacy permit holder allegedly failed to have in place a means by which pharmacists could identify a filled prescription in a timely manner. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0118B. Pharmacist allegedly engaged in neglectful and unprofessional conduct by not identifying a filled prescription in a timely manner. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0119. Pharmacy permit holder allegedly failed to renew permit in a timely manner and opened for business on an expired permit. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0121A. Pharmacy permit holder allegedly sold a misbranded product as the result of an alleged medication error. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0121B. Pharmacist allegedly engaged in unprofessional conduct by withholding medications and filling prescriptions with improper quantities. CRC recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0122. Pharmacist allegedly diverted controlled substances for personal use. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0123A. Pharmacy permit holder allegedly failed to have in place a competent and responsible pharmacist-in-charge and staff pharmacist as result there was a failure to maintain proper record keeping of legend and controlled substances, dispensing prescription medications without authorization from a licensed practitioner, failure to perform proper drug utilization reviews, failure to document refusals of counseling, failure to maintain proper security of legend and controlled

substances, failure to have pharmacists review and sign daily reports, having adulterated prescription medications on the permitted premises in the form of outdated drugs, failure to have pharmacists sign verbal controlled prescriptions and filled controlled prescriptions that were not on a controlled, security prescription blank, and falsifying of biennial controlled substance inventory. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0123B. Pharmacist-in-charge allegedly failed to maintain proper record keeping of legend and controlled substances, dispensed prescription medications without authorization from a licensed practitioner, failed to perform proper drug utilization reviews, failed to document refusals of counseling, failed to maintain proper security of legend and controlled substances, failed review and sign daily reports, had adulterated prescription medications on the permitted premises in the form of outdated drugs, failed sign verbal controlled prescriptions and filled controlled prescriptions that were not on a controlled, security prescription blank, and falsified biennial controlled substance inventory. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case 02-0123C. Pharmacist failed to maintain proper record keeping of legend and controlled substances, dispensed prescription medications without authorization from a licensed practitioner, failed to perform proper drug utilization reviews, failed to document refusals of counseling, failed to maintain proper security of legend and controlled substances, failed review and sign daily reports, had adulterated prescription medications on the permitted premises in the form of outdated drugs, failed sign verbal controlled prescriptions and filled controlled prescriptions that were not on a controlled, security prescription blank, and falsified biennial controlled substance inventory. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0124. Pharmacist allegedly violated previous Agreed Order. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0126. Pharmacist allegedly violated previous Agreed Order. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0128. Pharmacist allegedly failed to complete a 1 hour CHS-approved HIV/AIDS continuing education program in 2001. However, pharmacist did complete an ACPE-approved HIV/AIDS continuing education program. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0129. Pharmacist allegedly failed to maintain proper security within the pharmacy. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0131A. Special Medical Gas permit holder allegedly changed ownership without prior notification to the Board office. CRC recommendation for Complaint with attempt to resolve

through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0131B. Manufacturer permit holder allegedly changed ownership without prior notification to the Board office. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0133A. Pharmacy permit holder allegedly sold a misbranded product as the result of an alleged medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0133B. Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0135. Pharmacist allegedly dispensed prescription medication without authorization from a practitioner. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 02-0136. Special Medical Gas permit holder is allegedly repackaging and mislabeling prescription medication. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP: **Michael L. Barnett.** The Board reviewed Mr. Barnett's correspondence for exemption from taking the MPJE examination. After a brief discussion, Ms. Cooper moved to deny Mr. Barnett's request. Mr. Armstrong seconded and the motion passed. Mr. Carr recused.

Ursela Elfers. Applicant notified the Board of her intent to withdraw her application for reciprocity. Mr. Carr moved to accept the request to withdraw the reciprocity application. Ms. Cooper seconded and the motion passed unanimously.

CORRESPONDENCE: **J. Haggerty - K-Mart Corp.** The Board reviewed correspondence concerning Mr. Haggerty being PIC of more than one K-Mart pharmacy. After a brief discussion, Ms. Cooper moved to deny the request. Mr. Carr seconded and the motion passed unanimously.

Nathan Goldman - Ky Board of Nursing. The Board reviewed correspondence concerning pharmacists accepting prescriptions from ARNP's for nonscheduled drugs, but not utilizing the ARNP's registration number. After a brief discussion, Ms. Thornbury directed Mr. Moné to place an article in the newsletter describing the importance of proper attribution of prescriber on the label of prescriptions dispensed by pharmacist. Ms. Jones seconded and the motion passed unanimously.

David Cole/Pharmerica. The Board reviewed correspondence requesting a waiver for pharmacists signing the daily "End of Day" prescription log. After a brief discussion, Ms. Thornbury moved to approve the request. Ms. Cooper seconded and the motion passed unanimously.

David Huddleston/Dept. Of Veterans' Affairs. The Board reviewed correspondence regarding whether Thomas Hood Veterans Center Pharmacy could fill orders for patients prior to their actual admission to the Eastern Ky Veterans Center and if 902 KAR 55:095, Section 2 governs the dispensing of Schedule III, IV, and V controlled substances. As to the first question, after a brief discussion, the Board directed Mr. Moné to correspond with Mr. Huddleston to get more information about the storage of prescriptions and the plans before it could approve the proposal, and 902 KAR 55:105 Section 4 provides guidance on the second issue.

Connie Riddell. The Board reviewed correspondence regarding two small pharmacies closing and being taken over by CVS. The consumer went to one of the small pharmacies and there was a sign posted saying all records had been transferred to CVS. After a brief discussion, Ms. Thornbury moved to authorize Mr. Moné to file a Notice of Intent so the amendment of 201 KAR 2:106 could be placed in the Administrative Regulations. Ms. Cooper seconded and the motion passed unanimously.

Samaritan Hospital. The Board reviewed correspondence requesting Certified Pharmacy Technicians to be used on the operating room floor to assist in inventory control and charging of medications. Mr. Carr moved the request would be appropriate provided it complied with the requirements of 201 KAR 2:074 Section 4(11). Ms. Jones seconded and the motion passed unanimously.

Samaritan Hospital/ Select Specialty Hospital. The Board reviewed correspondence concerning the conversion of acute care beds at Samaritan to long term care beds, with the ownership of those beds by a separate hospital entity with a separate Medicare provider number and separate reimbursement. Mr. Carr moved that Select Specialty Hospital would require a separate pharmacy permit. Ms. Jones seconded and the motion passed unanimously.

CONTINUING EDUCATION: Mr. Carr moved to accept the continuing education programs 02-53 through 02-67 as recommended. Ms. Thornbury seconded and the motion passed unanimously.

ADJOURNMENT: On motion by Ms. Thornbury, seconded by Ms. Cooper and passed unanimously, President Foster adjourned the meeting at 3:05 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on October 9, 2002.

Michael A. Moné, Executive Director

